

STATEMENT OF FACTS
IN SUPPORT OF FILING
UNDER 37 CFR 1.47 (a)

THE PATENT ACT 1952
37 CODE OF FEDERAL REGULATIONS Part 1

IN THE MATTER OF
United States Patent Application Serial No. 09/423,484
National Phase of International Patent Application No CT/GB98/01155
Inventors: David John Aarons and John Mullenger
Assignee: David John Aarons

AFFIDAVIT OF ROBERT A. McLEAN

I, ROBERT A. McLEAN, a British Citizen, of Suffolk, United Kingdom, MAKE OATH
AND SAY as follows:

1. I am the person to whom John Mullenger stated his express refusal to sign the application papers in connection the United States Patent application identified above.
2. I am a U.K. chartered patent attorney, and also a licensed European Patent Attorney. I am a partner in the firm of Dummett Copp, patent and trademark attorneys, having an address of 25 The Square, Martlesham Heath, Ipswich, Suffolk IP5 3SL.
3. My firm, Dummett Copp, represents David John Aarons, the co-inventor and assignee of the invention in the above identified application, and also EnLight Technologies Ltd, the company of which Mr. David Aarons is managing director. In my capacity as the patent attorney representing David John Aarons and EnLight Technologies, Ltd., I was personally involved in the preparation and filing the UK Patent application for the invention in the above-identified U.S. application and also the filing of the corresponding PCT application. David Aaron's father, Leslie Aarons, is a Director and Company Secretary of EnLight Technologies Ltd.
4. Further, I attended to the filing of national phase applications in the United States and other countries, based on the PCT application. As part of this work, I received the application papers from our U.S. associate, together with a request to have the papers signed by both co-inventors, David John Aarons and John Mullenger. I provided these materials to David Aarons and Leslie Aarons and explained why the forms needed to be signed by both co-inventors. I also asked if they could arrange to obtain John Mullenger's signature in addition to that of David Aarons.

5. Exhibit 1 now produced and shown to me is a copy of a letter Leslie Aarons, in his capacity as company secretary, mailed to John Mullenger on 10 January 2000 together with a copy of the actual U.S. application, including the specification, drawings and claims, and the application documents for signature by John Mullenger.
6. On about 21 January 2000, Leslie Aarons telephoned my office and advised me that John Mullenger was questioning whether he should sign the forms on grounds that he did not understand why his signature was needed at this stage. Leslie Aarons asked me to write an explanation of why these forms had to be completed. Exhibit 3 now produced and shown to me is a copy of a letter dated 24 January 2000, written by myself, Robert A. McLean, which explains why it is necessary for John Mullenger to sign and date the aforementioned forms.
7. On 26 January 2000, John Mullenger telephoned me at my office, and in this telephone conversation John Mullenger expressly refused to sign the aforementioned documents.
8. Exhibit 4 now produced and shown to me is a copy of a letter sent by John Mullenger to myself, in which I received at my office at Dummett Copp. The letter dated 31 January 2000, and in the letter John Mullenger explains that he will not sign the aforementioned forms. A corresponding letter having the same date was sent to Leslie Aarons. In neither letter does John Mullenger give any real reason for his refusal to sign the forms.
9. Exhibit 9 now produced and shown to me is a copy of a letter dated 1 February 2000 that I wrote to John Mullenger confirming the points made in his telephone conversation with me on 26 January 2000, and asking him to reconsider his refusal to sign the forms.
10. Exhibit 5 now produced and shown to me is a copy of a letter dated 7 February 2000 that I received, at my office from Raymond Thomas, Solicitors, of 2 Victoria Road, Diss, Norfolk, IP22 4EY, United Kingdom, lawyers acting for John Mullenger. This letter raises various concerns concerning product liability and asks if the invention described in International Patent Application No. PCT/GB98/01155 is the same as that transferred to David Aarons in the Deed of Assignment. Exhibit 6 now produced and shown to me is a letter dated 8 February from myself to John Mullenger's lawyers, in which we assure John Mullenger that the invention described in PCT/GB98/01155 is a joint invention of John Mullenger and David John Aarons, and that we would be willing to indemnify John Mullenger for product liability if he so wishes.
11. Exhibit 7 now produced and shown to me is a copy of a letter dated 18 February 2000 that I received at my office from John Mullenger's lawyers, in which it is claimed that the deed of Assignment is invalid, and asking for ill-defined

monetary "compensation" plus his legal costs in return for John Mullenger's co-operation in completing the aforementioned forms.

12. As of the date of this statement, John Mullenger has not withdrawn the refusal to sign the papers that he made and his telephone conversation with me on 26 January 2000, neither in any communication with myself nor any communication with David John Aarons or Leslie David Aarons.

Signed at _____, this ____ day of _____, 2000.

ROBERT A. McLEAN
Patent Attorney

Sworn to and subscribed in my presence this ____ day of _____, 2000.

Notary Public in and for
the _____
Residing at _____
My Commission Expires:
